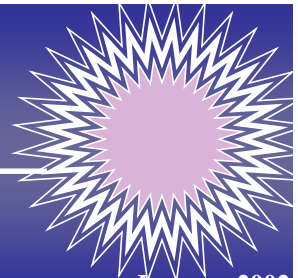


# Ethics News

*Newsletter of the Indiana State Ethics Commission*

Issue No. 22

January 2002



**I**ntegrity: to say what we mean, to deliver what we promise, and to stand for what is right.

– Lockheed Martin  
*Setting the Standard*

## Who's New

**Timothy J. McClure**, a retired Indiana State Police officer, is the newly appointed director of the State Ethics Commission. McClure, who assumed his responsibilities December 10, was appointed by Governor Frank O'Bannon to succeed David Maidenbergl, who is returning to the private sector.

**Rachel McGeever**, joined the Commission as staff Attorney on January 2. Rachel is not a newcomer to state government, having served 12 years in the legal departments of various state agencies. Most recently, Rachel was legal counsel with Family and Social Services Administration.

### Inside...

#### *Front Page*

- Who's New
- Who's Leaving

#### *Page Two*

- Advisory Opinion

#### *Back Page*

- Returning Gifts
- Ethics Classes
- Corrections

## Who's Leaving?

**David Maidenbergl**, director of the State Ethics Commission since March 10, 1997, has returned to the private sector. David was instrumental in bringing the Commission "on-line" in order to better serve the public interest. While making the Commission more available to citizens and state employees via the Internet, David still maintained an "open door" policy for employees needing advice and visitors seeking information. David will be missed both as a colleague and friend of the Commission.

**Wendy Stone Messer**, Attorney with the Commission since August 1998, has left state government after 13 years of public service. Prior to joining the Ethics Commission, Wendy held legal positions with the Attorney General's Office and the Office of Family and Social Services Administration. Wendy was noted for her fairness and caring when dealing with employees and ethical situations.

## Former State Employee Seeks Post-Employment Advice

A former state employee was prompted to seek an advisory opinion from the State Ethics Commission when she was asked by her new employer to work on a particular matter that she had been involved with at the Indiana Department of Environmental Management (IDEM).

The Commission was asked to determine if state ethics laws would allow the former employee to represent or assist her new employer with matters related to a Title V Air Quality permit. One of the Title V permits with which the former employee was involved until her departure from IDEM, was for the Naval Surface Warfare Center, Crane Division.

After leaving IDEM, Office of Air Quality (OAQ) where she had been employed from September 1998 through March 2001, the former IDEM employee began employment with a Department of Defense Contractor. One of the contractor's clients is the Naval Surface Warfare Center, Crane Division.

In the course of her employment for the contractor, the former employee had been assigned the following work related to Naval Surface Warfare Center, Crane Division:

- Compliance-related efforts in relation to the Title V Air Quality permit issued and approved by IDEM on May 15, 2001
- Coordination of information to the permit reviewer for a new construction permit (permit application submitted to the IDEM on June 18, 2001)
- Coordination of information to the permit reviewer for a new construction permit (permit application made on August 9, 2001)

On November 20, 2001, the Commission determined that the Title V air quality permit for Crane constituted a particular matter with which the former IDEM employee was personally and substantially involved while employed at IDEM. The Commission held that under these circumstances, the post-employment restriction would prevent her from representing or assisting anyone concerning the Title V permit issued by IDEM, including modifications of that permit, until the expiration of the one-year period on March 24, 2002. The Commission explicitly noted that she would be unable to represent or assist anyone concerning the new construction permits for Crane in this time frame given that those new permits constitute modifications of the Title V permit.

To view the Post-Employment Restriction (IC 4-2-6-11), log on to the State Ethics Commission's Web site <[www.in.gov/ethics/](http://www.in.gov/ethics/)> and click on Rules and Law.

## Returning Prohibited Gifts



You don't have to stand in line to return unacceptable gifts. You may simply return them at your agency's expense.

In the case of non-perishable items, return the item to the donor with a brief note advising the donor of the ethics gift rule and thanking the person for the offer. Perishable items may be given to an appropriate charity, shared with the office, or destroyed.

If you received a gift from a person who has a business relationship with your agency and want to know if you may accept the gift, take the following quiz:

- (1) Do you exercise discretion over this person?
- (2) If not, was the gift valued at more than \$25?
- (3) If so, did you get written approval from your ethics officer?

### Answers:

- (1) If you answered "yes" to Question #1, you **may not** accept the gift.
- (2) If you answered "no" to Questions #1 and #2, you may accept the gift.
- (3) If you answered "no" to Question #1 and "yes" to Question #2, you must get written approval from your ethics officer.

If you need further advice, contact your ethics officer or the Ethics Commission at (317) 232-3850 or [ethics@ethics.state.in.us](mailto:ethics@ethics.state.in.us).

Commission meetings are open to the public and held the second Thursday of the month.

Normal starting time is 10:00 a.m.

### Corrections

Thank you to the following Post-Employment Contacts who were overlooked in the May 2001 issue of Ethics News:

**Shannon Smith**

Westville Correctional Facility

**Roberta Denman**

Indianapolis Womens' Work Release Center

**Allison Webb**

State Board of Accounts

### 2002 Ethics Classes Open

Ethics Orientation  
(10:00 - 11:00 a.m.)

Mar. 26, Apr. 9, June 12, Aug. 21,  
Sept. 24, Oct. 29

Ethics for Supervisors  
(10:00 - 12:00 p.m.)

Mar. 13, Apr. 10, Sept. 11, Oct. 16

Ethics for Managers  
(10:00 - 12:30 p.m.)

Mar. 21, Apr. 18, Sept. 12, Oct. 10

Classes are in the State Conference Center or Training Center, Indiana Government Center South, 402 W. Washington St., Indianapolis, IN

**Please check directory for room location.**

To register, call (317) 232-3850 or visit our Web site at [www.ethics.IN.gov](http://www.ethics.IN.gov)